

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Dwayne J. Scott and Derell J. Meynard, :  
individually and on behalf of all others similarly :  
situated, :  
Plaintiffs, : 2:18 Civ. 86 (SJF) (AKT)  
: .  
-against- : .  
: .  
: .  
: .  
: .  
: .  
: .  
Defendant. :  
-----x

**NOTICE OF MOTION TO DISMISS CLASS ACTION COMPLAINT**

**PLEASE TAKE NOTICE**, that on a date and time to be set by the Court, Defendant Whole Foods Market Group, Inc., (“Whole Foods” or “Defendant”), by its attorneys Greenberg Traurig, LLP, will move for an Order pursuant to Rule 12(b)(6) dismissing, in its entirety and with prejudice, the Class Action Complaint of Plaintiffs Dwayne J. Scott and Derell J. Meynard (“Plaintiffs”). In support of its motion, Whole Foods shall rely upon the Memorandum of Law served herewith. Oral argument is respectfully requested in the event this motion is opposed.

Dated: New York, New York  
April 9, 2018

Respectfully submitted,

**GREENBERG TRAURIG, LLP**

By: /s/ Michael J. Slocum  
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**CERTIFICATE OF SERVICE**

I certify that on this date I caused the foregoing Notice of Motion on behalf of Defendant Whole Foods Market Group, Inc., together with a supporting Memorandum of Law, to be served upon Plaintiffs via email and overnight delivery to Steven John Moser, Esq., Moser Law Firm, 3 School Street, Suite 207B, Glen Cove, New York 11542, [smoser@moseremploymentlaw.com](mailto:smoser@moseremploymentlaw.com)

Dated: April 9, 2018

*/s/ Michael J. Slocum*  
Michael J. Slocum